

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN

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EUGENE CHERRY,

Plaintiff,

v.

Case No. 99-C-968

WISCONSIN DEPARTMENT OF CORRECTIONS,

Defendant.

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**ORDER**

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On January 8, 2008, Plaintiff Eugene Cherry filed a motion with the court claiming that he had erroneously received a “strike” under 28 U.S.C.A. § 1915(g), the provision of the PLRA commonly known as the “three strikes” provision, in connection with his litigation in the above captioned matter. He requests that the strike be removed from his record. The record indicates that the court granted defendants’ motion for summary judgment on September 7, 2001, and granted plaintiff leave to proceed *in forma pauperis* on appeal on October 16, 2001. There is no record that plaintiff was assigned a “strike” in connection with this case at any time. Accordingly, plaintiff’s motion is denied as moot.

**SO ORDERED** this 23rd day of January, 2008.

s/ William C. Griesbach  
William C. Griesbach  
United States District Judge